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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000866

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E.O. 12958: DECL: 05/03/2017
TAGS: [PHUM](#) [KDEM](#) [VE](#)
SUBJECT: BRV STEPS UP PROSECUTION AND HARASSMENT OF
POLITICAL PRISONERS AND OPPOSITION TARGETS

REF: A. CARACAS 00725

- [1](#)B. CARACAS 00147
- [1](#)C. CARACAS 00766
- [1](#)D. 05 CARACAS 00577

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Classified By: ACTING POLITICAL COUNSELOR DANIEL LAWTON
FOR REASON 1.4 (D)

[1](#)1. (C) Summary: Since the five-year commemoration of Chavez' temporary ouster in April 2002, the BRV appears to be taking a harder line against political prisoners. The deplorable prison conditions (Ref A) for ex-police commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero, and the eight Caracas Metropolitan Police officers on trial as accomplices to murder for incidents related to the events of April 2002 have worsened. The BRV may also already have decided on a guilty verdict as well as the length of the sentence for the accused, although the defense has yet to present its case. Separately, the BRV arbitrarily revoked permission for Sumate's Maria Corina Machado to travel to Chile as she was preparing to board the plane. End Summary.

Holding Conditions in Maracay Worsen

[1](#)2. (C) Poloff met April 27 with ex-judge and Foro Penal judicial NGO leader Monica Fernandez; Maria Eugenia Uson, the wife of political prisoner, retired General, and ex-Finance Minister Francisco Uson; and Bony Simonovis, wife and lawyer of ex-police commissioner Ivan Simonovis, who is on trial along with fellow ex-commissioners Henry Vivas and Lazaro Forero, and eight Caracas Police officers, as an accomplice to murder for events related to April 2002. Simonovis told Poloff the 11 defendants remain in the Maracay jail, despite the judge's orders to return them to Caracas (Ref A). Conditions in the prison have worsened as authorities boarded up the only window in the hot cell after the local media published a picture of the commissioners in the prison. The defense continues to protest DISIP's (the secret police) refusal to transfer its clients, but the judge seems unable to secure compliance with her instructions. Simonovis also fears for the safety of the defendants, particularly after a stun gun and sharp object were found on one of a group of BRV supporters who attended the trial during the week of the April 2002 celebrations.

13. (C) Although less than half-way through the trial, the BRV may already have a verdict prepared. All three women said that during the recent commemoration of Chavez' temporary ouster in April 2002, a lawyer for two of the victims in the case announced on a state-TV program that within a couple of months the 11 would be sentenced to 28 years in prison. Fernandez said she has received similar indications from her judicial contacts as well. Around the same time as the announcement, Simonovis said the prosecution tried to accelerate the trial by negotiating a reduction of the witness list and has sought to add the charge of crimes against humanity so that the defendants would have no chance for parole. The defense has so far resisted speeding up the trial, arguing that they should be given sufficient time to present their witnesses, just as the prosecution had. (Note: The prosecution began the trial with a list of 200 witnesses, then later added 300 more. None of the prosecutorial witnesses presented in the past year have linked any of the accused directly to the crime. Ref B.)

Sumate Leader's Travel Restricted

14. (U) Separately, Sumate Vice President Maria Corina Machado was prevented from boarding a plane to Chile April 22. Machado is currently on trial with two other Sumate directors for treason and lesser charges for receiving a USD 30,000 National Endowment for Democracy grant and also has separate charges pending against her for allegedly signing the Carmona decree. Judges in both cases have prohibited Machado from leaving the country without permission, but she has generally received such permission for previous trips, even visits to the United States.

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15. (C) Sumate leader Roberto Abdul told A/DCM April 26 that Machado had received the necessary written authorization for the trip, but in an obvious show, several officers approached Machado at the immigration counter at the airport and presented her with an order revoking her permission to travel. The incident came shortly after ex-Vice President Jose Vicente Rangel announced Machado's travel plans. Abdul did not think this was a sign of a BRV crackdown on political targets, but rather an attempt to prevent further bilateral friction with Chile following the spat over the Chilean Senate's resolution condemning the BRV's intention to close independent broadcaster RCTV by May 28.

Comment

16. (C) The possibility of a pre-cooked verdict and the attempted acceleration of the police officials' trial is consistent with Chavez' recent push, as observed during the five year commemoration of April 2002 (Ref C), to memorialize the Bolivarian version of recent history. The Embassy has also learned that the BRV may be planning to add an additional civil rebellion charge to its case against NGO leader Monica Fernandez for ordering then-Interior Minister Ramon Rodriguez Chacin's temporary detention in April 2002 (Fernandez freed Chacin the next day and he reportedly thanked her subsequently for her fair treatment. Ref D).

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